

FILED
2013 AUG 13 PM 3:32

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID J. FISHMAN,
HASSAN TAHSILDAR,

Defendants.

INFORMATION

1:13MJ8016

CR. NO.

Title 21, United States Code
Section 331(a), 352(f),
333(a)(1)

MAG. WHITE

The United States Attorney charges:

COUNT 1

1. Title 21, United States Code, Section 331(a) prohibits the introduction into interstate commerce of any drug that is misbranded. Under Title 21, United States Code, Section 352, a drug is misbranded if its labeling is false or misleading in any manner, or if its packaging or labeling fails to comply with the stringent requirements of the Federal Food, Drug, and Cosmetic Act and related regulations promulgated by the United States Food and Drug Administration (FDA). A drug may therefore be misbranded even if it is identical in composition to an FDA-approved drug (that is, a drug labeled and packaged in compliance with

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the FDA's standards) and even if it was made by the same manufacturer in the same facility as the FDA-approved version.

2. Defendants DAVID J. FISHMAN, M.D., and HASSAN TAHSILDAR, M.D., purchased and received oncology drugs Taxotere, Gemzar, Eloxatin, Irinotecan, Campto, Mitoxantrone, Hycamtin, Zometa, Camptosar, Kytril and Ondansetron from Company #1, a foreign based drug distributor located in Canada, between January 10, 2006, and March 12, 2009. All of these drugs purchased by FISHMAN and TAHSILDAR originated outside the United States and were never approved by the FDA for introduction into the United States.

3. Between January 10, 2006, and March 12, 2009, Defendants DAVID J. FISHMAN and HASSAN TAHSILDAR, in the Northern District of Ohio, Eastern Division, caused the introduction into interstate commerce of prescription drugs that were misbranded for lacking adequate directions for use; that is, they did not bear labeling indicating the drugs had been approved by the FDA for use in the United States.

In violation of Title 21, United States Code, Section 331(a), 352(f), 333(a)(1).


ANN C. ROWLAND
Chief, Major Fraud and Corruption Unit